



JANUARY 2013

BURMA

SUMMARY

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Burma's human rights situation remained poor in 2012 despite noteworthy actions by the government toward political reform. In April, opposition leader Aung San Suu Kyi and her National League for Democracy party won 43 of 44 seats it contested in a parliamentary by-election; the parliament consists of 224 seats in the upper house and 440 in the lower house, the majority of which remain under the control of military representatives or former military officers.

President Thein Sein welcomed back exiles during the year, and released nearly 400 political prisoners in five general prisoner amnesties, although several hundred are believed to remain in prison. Freed political prisoners face persecution, including restrictions on travel and education, and lack adequate psychosocial support. Activists who peacefully demonstrated in Rangoon in September have been charged with offenses. In August 2012, the government abolished pre-publication censorship of media and relaxed other media restrictions, but restrictive guidelines for journalists and many other laws historically used to imprison dissidents and repress rights such as freedom of expression remain in place.

Armed conflict between the Burmese government and the Kachin Independence Army (KIA) continued in Kachin State in the north, where tens of thousands of civilians remain displaced. The government has effectively denied humanitarian aid to the displaced Kachin civilians in KIA territory. In conflict areas in Kachin and Shan States, the Burmese military carried out extrajudicial killings, sexual violence, torture, forced labor, and deliberate attacks on civilian areas, all which continue with impunity. Ceasefire agreements in ethnic conflict areas of eastern Burma remain tenuous.

Deadly sectarian violence erupted in Arakan State in June 2012 between ethnic Arakanese Buddhists and ethnic Rohingya Muslims, a long-persecuted stateless minority of approximately one million people. State security forces failed to protect either community,

resulting in some 100,000 displaced, and then increasingly targeted Rohingya in killings, beatings, and mass arrests while obstructing humanitarian access to Rohingya areas and to camps of displaced Rohingya around the Arakan State capital, Sittwe. Sectarian violence broke out again in **9 of the state's 17 townships** in October, including in several townships that did not experience violence in June, resulting in an unknown number of deaths and injuries, the razing of entire Muslim villages, and the displacement of an additional 35,000 persons. Many of the displaced fled to areas surrounding Sittwe, where they also experienced abuses, such as beatings by state security forces.

Despite serious ongoing abuses, foreign governments—including the United States and the United Kingdom—expressed unprecedented optimism about political reforms and rapidly eased or lifted sanctions against Burma, while still condemning the abuses and violence.

Limited Political **Change** and Ongoing Abuses

Burma's national parliament and 14 regional and state assemblies completed a first full year in operation in 2012 since the formal end of military rule. Former military generals hold most senior ministerial portfolios and serving generals are constitutionally guaranteed the posts of ministers of defense, home affairs, and border affairs security. Many former military officers hold important positions in the ruling military-backed Union Solidarity and Development Party.

Two new laws passed in 2012 related to land use fail to adequately **protect farmers' rights**. A new law on peaceful assembly—signed in December 2011 and hailed as a reform by Western governments—fails to meet international standards, providing for imprisonment for permit violations, and requiring that protest slogans be pre-approved.

Thirteen activists in Rangoon faced charges for failing to get permission for a demonstration held peacefully in September to oppose the armed conflict in Kachin State. Other laws that have been used to imprison peaceful activists, lawyers, and journalists remain on the books, including, among others, the Unlawful Associations Act, the Electronics Act, the State Protection Act, and the Emergency Provisions Act.

Media freedoms improved in 2012 but remain highly restricted. In August, the government abolished pre-publication censorship that had been in place nearly 50 years but retained 16 guidelines restricting publication of articles critical of the government or related to corruption, illicit drugs, forced labor, and child soldiers. Editors continue to self-censor out of concern for arrest and hesitate to publish stories regarding government abuses.

The National Human Rights Commission, created in September 2011, continued to disappoint in 2012. The commission exists by executive order and lacks independence from the government, contrary to the Paris Principles—minimum standards endorsed by the UN on the functioning of national human rights commissions. Statements from **Burma's** commission on Kachin and Arakan States failed to mention any abuses by the state security forces, or government-imposed restrictions on delivering humanitarian aid to tens of thousands of internally displaced persons (IDPs).

After spending a total of 15 years under house arrest since 1989, and otherwise facing travel restrictions, Aung San Suu Kyi's **right** to travel domestically and internationally was restored, and she traveled to five European countries in June, including Oslo to accept her 1991 Nobel Peace Prize. In September she travelled to the US where she accepted the Congressional Gold Medal in recognition of her non-violent struggle for democracy and human rights, awarded in 2008 while she was under house arrest

However, other former political prisoners continue to face persecution, including restrictions on travel and education. The Ministry of Home Affairs refused to issue passports to many former political prisoners, including democracy and human rights activists, public interest lawyers, and journalists, preventing them from traveling abroad.

While parliament in 2012 appointed a commission to investigate land confiscation, the practice continues throughout the country. Farmers lose their land to private and state interests and in some cases are effectively forced to work as day laborers on their own land. Numerous disputes about land confiscations under the prior military juntas remain largely unresolved.

Forced labor continued in various parts of the country despite the **government's** commitment to end the practice by 2015 in an action plan agreed to with the International

Labour Organization (ILO). The army continued to have child soldiers in its ranks, but in June, signed an action plan with the United Nations to halt further recruitment of children and demobilize and reintegrate those already in the army within 18 months. Several non-state armed groups continue to use and recruit child soldiers and the government continues to prevent UN agencies from accessing ethnic areas controlled by non-state armed groups to focus on demobilization and reintegration of child soldiers.

Ethnic Conflict and Displacement

Fighting slowed between government forces and most ethnic armed groups in eastern Burma as negotiations on tenuous ceasefires continued. In northern Burma, however, fighting continued between the Burmese armed forces and the KIA.

The Burmese military continues to engage in extrajudicial killings, attacks on civilians, forced labor, torture, pillage, and use of antipersonnel landmines. Sexual violence against women and girls remains a serious problem, and perpetrators are rarely brought to justice. The KIA and some other ethnic armed groups have also committed serious abuses, such as using child soldiers and antipersonnel landmines.

Internally displaced Kachin swelled to an estimated 90,000 in 2012, and the government continued to prevent international nongovernmental organizations and UN agencies access to IDP camps in KIA-held territory to provide humanitarian assistance. Kachin fleeing to China to escape violence and persecution were not welcome. Several thousand Kachin refugees temporarily in Yunnan province in southwest China lacked adequate aid and protection. In August, China forced back more than 4,000 Kachin to conflict zones in northern Burma.

More than 550,000 people remain internally displaced in Burma, including 400,000 due to decades of conflict in eastern Burma. There are an additional 140,000 refugees in camps in Thailand and several million Burmese migrant workers and unrecognized asylum seekers who suffer due to inadequate and ad hoc Thai policies causing refugees to be exploited and unnecessarily detained and deported.

Some 30,000 ethnic Rohingya refugees live in an official camp in Bangladesh and another 200,000 live in makeshift settlements or surrounding areas. Bangladeshi authorities ordered three international aid agencies to close humanitarian operations for Rohingya refugee camps and pushed back thousands of Rohingya asylum seekers to Burma in 2012.

Sectarian Violence and Ensuing Abuses

Burmese security forces committed killings, rape, and mass arrests against Rohingya Muslims after failing to protect both them and Arakanese Buddhists during deadly sectarian violence in western Burma in June 2012. Over 100,000 people were displaced by widespread abuses and arson. State security forces failed to intervene to stop the sectarian violence at key moments, including the massacre of 10 Muslim travelers in Tounghop that was one of several events that precipitated the outbreak. State media published incendiary anti-Rohingya and anti-Muslim accounts of the events, fueling discrimination and hate speech in print media and online across the country.

Violence erupted again in late October in **9 of the state's 17 townships, with coordinated** violence and arson attacks by Arakanese against Rohingya and Kaman Muslims—a government-recognized nationality group, unlike the Rohingya. In some cases violence was carried out with the support and direct involvement of state security forces and local officials, including killings, beatings, and burning of Muslim villages, displacing an additional 35,000 Rohingya and non-Rohingya Muslims.

Government restrictions on humanitarian access to the Rohingya community have left tens of thousands in dire need of food, adequate shelter, and medical care. The authorities indefinitely suspended nearly all pre-crisis humanitarian aid programs, affecting hundreds of thousands more Rohingya who were otherwise unaffected by the violence and abuse.

Local security forces detained hundreds of Rohingya men and boys—primarily in northern Arakan State—and held them incommunicado without basic due process rights. UN and international NGO staff were among the arrested and charged. Many remain detained at this writing.

The Rohingya number approximately one million in Burma and were effectively stripped of their citizenship in 1982 through the discriminatory Citizenship Law. There has been little political will to repeal the law due to widespread prejudice against Rohingya, including by prominent pro-democracy figures. The government has long restricted their rights to freedom of movement, education, and employment.

President Thein Sein suggested in July that the Rohingya be expelled from Burma to “third countries” or to camps overseen by the United Nations High Commissioner for Refugees (UNHCR). He later appointed a 27-member commission to investigate the violence in Arakan State and make recommendations, but failed to include a Rohingya representative on the panel.

Key International Actors

In 2012, **foreign governments expressed unprecedented optimism about Burma’s** political changes, despite evidence of ongoing human rights abuses. In April, the European Union suspended all of its sanctions for one year, enabling investment by European companies and lifting travel and visa bans on nearly 500 people, but retained an arms embargo.

In July, the United States eased sanctions to allow American companies to invest in all **sectors of Burma’s** economy, including the controversial and opaque oil and gas sector. The US maintained targeted sanctions against some Burmese military officers and companies they control, and appointed its first ambassador to Burma in 22 years.

Tomas Ojea Quintana, the UN special rapporteur on Burma, conducted his sixth visit in late July and early August, expressing concern over alleged abuses in Arakan State and calling for a credible investigation and a review of the 1982 Citizenship Law, which he said discriminates against Rohingya. He also voiced concern about ongoing abuses in Kachin State and the need to release remaining political prisoners.

Several high-profile visits to Burma in 2012 were ostensibly aimed to show support for ongoing changes, including visits in November by US President Barack Obama—the first by a sitting US president—in April by British Prime Minister David Cameron, and UN Secretary-General Ban Ki-moon. President Obama gave a historic speech at Rangoon University

raising human rights concerns, **including the military's role in parliament, ethnic conflicts, national reconciliation, and abuses against Rohingya Muslims.** Other high-profile visits were explicitly more economically motivated, including visits in May by India's Prime Minister Manmohan Singh, and in September by **China's top legislator, Wu Bangguo, chairman of the Standing Committee of China's National People's Congress.**

Others expressed **concerns for the plight of Burma's Rohingya Muslims, including** visits by **Turkey's** foreign minister and a high-level delegation from the Organization for Islamic Cooperation (OIC), which in September reached an agreement with the Burmese government to open an office in the country to facilitate delivery of humanitarian aid in Arakan State. President Thein Sein terminated the agreement in October following several protests in Sittwe, Mandalay, and Rangoon led by anti-Rohingya Buddhist monks opposing **the OIC's involvement in the issue.**

Members of the Association of Southeast Asian Nations (ASEAN) continue to invest in and trade extensively with Burma, especially in the extractive and hydropower industries. Burma continued to earn billions of US dollars in natural gas sales to Thailand, little of which is directed into social services such as health care and education. Gas dollars will increase markedly when a gas pipeline from Arakan State to Yunnan in China is operational in 2013. Work continues on that project, which passes through northern Shan State where the Burmese army has moved in to secure territory and where armed conflict has led to abuses such as torture, forced labor, and forced displacement of Kachin and Shan.

Russia, China, and North Korea continued to sell arms to Burma in 2012, and there are concerns that North Korean sales breached UN Security Council punitive sanctions on North Korea passed in 2006 and 2009. In May, Thein Sein assured South Korean President Lee Myun-bak that his government would cease buying weapons from North Korea.